

FILED

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SEP 14 2007

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA**v.****RONALD IRBY
ROSE MCCLAIN****CR. NO. 1:07-CR-210-MHT**

[18 U.S.C. § 371

18 U.S.C. § 641

18 U.S.C. § 2]

INDICTMENT

The Grand Jury charges:

INTRODUCTION

1. At all times relevant to this Indictment, the defendants, **RONALD IRBY** and **ROSE MCCLAIN**, resided in the Middle District of Alabama. At times relevant to this Indictment both shared a residence in Enterprise, Alabama.

2. On or about September 19, 2005, Irby caused to be filed with the Federal Emergency Management Agency ("FEMA"), an agency within the United States Department of Homeland Security, an application for benefits in connection with Hurricane Katrina, which falsely represented that Irby had suffered losses to the residence he rented as his primary residence in New Orleans, Louisiana. On November 1, 2005, Irby informed a FEMA inspector that the address he had provided in his September 19, 2005, application was incorrect. Irby then provided another address for the residence that he claimed he rented as his primary residence in New Orleans, Louisiana. In fact, Irby did not reside in New Orleans, Louisiana, at the time of Hurricane Katrina, did not rent any property in New Orleans,

Louisiana, and did not suffer the losses claimed. At the time of Hurricane Katrina, Irby's principal residence was in Enterprise, Alabama.

3. FEMA accepted Irby's application and caused a series of United States Treasury checks in the amounts of \$2,000.00; \$1,352.00; \$1,311.00; and \$12,098.23; respectively to be mailed to an address in Enterprise, Alabama. Irby received each of the checks and cashed them with McClain's assistance.

4. At times relevant to this Indictment, McClain assisted in propagating this scheme and later benefitted from the proceeds of the scheme.

COUNT 1 – CONSPIRACY

THE CONSPIRACY AND ITS OBJECTS

5. From on or about September 19, 2005 through on or about September 16, 2006, the exact dates being unknown to the Grand Jury, within the Middle District of Alabama, and elsewhere, the defendants,

RONALD IRBY and ROSE MCCLAIN,

did combine, conspire, confederate, and agree among themselves and each other to embezzle, steal, purloin, and knowingly convert to their own use money and things of value of the United States in an amount in excess of \$1,000, and to receive, conceal, and retain the same with the intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, in violation of Title 18, United States Code, Section 641.

MANNER AND MEANS OF THE CONSPIRACY

6. It was part of the conspiracy that Irby and McClain agreed to engage in a scheme to receive and cash Hurricane Katrina disaster checks.

OVERT ACTS

7. In order to effect the object of the conspiracy, Irby did a number of overt acts, including:

- (a) in September 2005, obtaining the address to use for filing an application for benefits with FEMA;
- (b) in September 2005, filing the application for benefits with FEMA;
- (c) in November 2005, providing a second address to a FEMA inspector to process his claim for benefits; and
- (d) sharing in the proceeds of the checks with McClain.

8. In order to effect the object of the conspiracy, McClain did a number of overt acts, including:

- (a) in September 2005, assisting Irby in preparing the online application for benefits with FEMA;
- (b) in November 2005, providing Irby with a cell phone to use for communicating with the FEMA inspector;
- (c) from September 2005 through January 2006, cashing disaster assistance checks for Irby; and
- (d) sharing in the proceeds of the checks with Irby.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2-5 – THEFT OF GOVERNMENT PROPERTY

9. The allegations set forth in paragraphs 1 through 8 of this Indictment are hereby realleged as if set forth herein.

10. On or about the dates set forth below, within the Middle District of Alabama, and elsewhere,

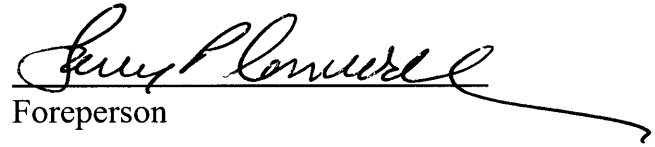
**RONALD IRBY and
ROSE MCCLAIN,**

did, while aiding and abetting and while being aided and abetted by each other, embezzle, steal, purloin, and knowingly convert to their own use money and things of value of the United States and of a department and agency thereof, in an amount in excess of \$1,000, as described below:

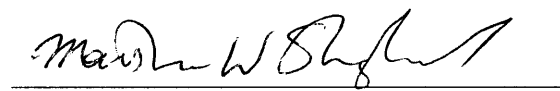
COUNT	DATE	ITEM
2	September 26, 2005	FEMA disaster assistance funds in the amount of \$2,000.00.
3	November 17, 2005	FEMA disaster assistance funds in the amount of \$1,352.00.
4	January 26, 2006	FEMA disaster assistance funds in the amount of \$1,311.00.
5	January 30, 2006	FEMA disaster assistance funds in the amount of \$12,098.23.

All in violation of Title 18, United States Code, Sections 641 and 2.

A TRUE BILL:


Foreperson


LEURA G. CANARY
UNITED STATES ATTORNEY


Matthew W. Shepherd
Assistant United States Attorney